

Members

Sen. Thomas Wyss, Chairperson
Sen. Allen Paul
Sen. David Ford
Sen. Glenn Howard
Sen. Mark Blade
Sen. Timothy Lanane
Rep. Win Moses, Vice-Chairperson
Rep. David Crooks
Rep. Jonathan Weinzapfel
Rep. Dean Mock
Rep. Michael Smith
Rep. Eric Turner



INTERIM STUDY COMMITTEE ON PUBLIC SAFETY ISSUES

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Authority: Legislative Council Resolution 00-1
(Adopted May 25, 2000)

MEETING MINUTES¹

Meeting Date: July 12, 2000
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington
St., Room 233
Meeting City: Indianapolis, Indiana
Meeting Number: 1

Members Present: Sen. Thomas Wyss, Chairperson; Sen. David Ford; Sen. Glenn Howard; Sen. Mark Blade; Sen. Timothy Lanane; Rep. Win Moses, Vice-Chairperson; Rep. David Crooks; Rep. Jonathan Weinzapfel; Rep. Dean Mock; Rep. Michael Smith; Rep. Eric Turner.

Members Absent: Sen. Allen Paul.

Chairperson Thomas Wyss called the meeting to order at 10:10 a.m. He introduced himself, and the remaining Committee members and Legislative Services Agency staff also made their introductions. Chairperson Wyss read the four charges to the Committee from the Legislative Council, which were:

1. To study the need for traffic control indicators on police cars (HCR 27).
2. To study issues related to uninsured motorists and uninsured motorist insurance

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

- (HB 1144).
3. To study issues relating to the development of a statewide mechanism to review unexplained or unexpected child fatalities in Indiana (HB 1193).
 4. To study the fireworks industry in Indiana, including enforceability of and advisability of reexamining existing laws pertaining to fireworks (HR 92).

Chairperson Wyss stated that Representatives Dickinson and Budak were the authors of House Bill 1193, Representative M. Smith was the author of House Bill 1144, Representative Espich had introduced House Resolution 92, and Representative Burton had introduced House Concurrent Resolution 27.

Unexplained Child Fatalities

Denise Malayeri, from Prevent Child Abuse Indiana, Susan Preble and Amy Brown from the Family and Social Services Administration (FSSA), and Tracy Boatwright, the Indiana State Fire Marshal, introduced themselves as representatives of the Indiana Child Fatality Review Task Force (Task Force). They distributed copies of Keeping Kids Alive (Exhibit A) and its Appendix (Exhibit B) to the Committee. Denise Malayeri told the Committee that Indiana is one of only five states without a Child Fatality Study Committee. She views this topic of study by the Committee as an opportunity to look at unexplained deaths of children. She told the Committee that one issue important to the Task Force was that of seeking a qualified immunity for members of any Child Fatality Review team, because those members have access to confidential medical information. Mara Snyder from the Indiana State Fire Marshal's office explained that members of the Review team who wanted to talk only with other members of the team could discuss medical matters among themselves with this immunity.

Amy Brown of FSSA stated that James Hmurovich, Director of the Division of Family and Children Services, FSSA was a member of this ad hoc Task Force. Tracy Boatwright, the State Fire Marshal, said that he is interested in this Task Force from a fire prevention aspect. He commented that the Task Force includes, among others, prosecutors, representatives of FSSA, and child welfare and child protective services workers. Chairperson Wyss suggested making sure that representatives of the Indiana Trial Lawyers Association be aware of the issue of qualified immunity. It was pointed out that the members of the Task Force are shown on the second page of Exhibit A. Chairperson Wyss told the Committee that he had been a charter member of Daybreak in Ft. Wayne in 1982 and that it was a remarkable experience.

Fireworks

John Keeler and Chip Garver, representing the Indiana Fireworks User's Association, along with John Livengood, representing Shelton Fireworks, introduced themselves. Mr. Keeler mentioned that Tom Fruechtenicht, representing Indiana Fireworks Distributors, could not be in attendance at the meeting. Mr. Keeler stated that the industry and the laws that govern it are in conflict. He noted that a case is being decided by the Indiana Court of Appeals on this issue. Since the issue is of an ongoing nature he believes that it is extremely appropriate that the Legislature address the issue. Senator Howard asked Mr. Keeler about the concept of fireworks for use in Indiana and out-of-state; Mr. Keeler answered that some people think that if the fireworks are sold here for transport out-of-state, that makes them legal.

Tracy Boatwright, the Indiana State Fire Marshal, would like to see an enforceable law regarding fireworks. Representative Crooks stated a concern that the fireworks dealers do not seem to know of a legal venue where the fireworks that they sell may be set off.

A discussion then followed as to the possibility of a statutory local option for fireworks usage. Fire Marshal Boatwright stated his opinion that this would be easier for his office to enforce. Representative Turner stated that he felt the opposite to be true for the public and for dealers. He felt the public would be confused as to where the fireworks could be set off. If he were able to speak for the industry, he believes that a statewide law would be better. Mara Snyder, counsel for the Indiana State Fire Marshal, voiced her concern that the present law is murky and needs to be clarified for enforcement. She believes a statute should be written by determining what the Legislature wants to have happen and then deciding how that should be enforced. In answer to a query from Representative Crooks, Mr. Keeler agreed to have statistics on the impact of the fireworks industry on state commerce ready for dissemination at the meeting set up for this topic.

Uninsured Motorists

Chairperson Wyss noted that Representative M. Smith was the author of HB 1144, requesting study on this topic, and that Senator Merritt had already called and wanted to know when this topic would be heard. Representative M. Smith noted that the premium for uninsured motorist insurance has steadily climbed. He also noted that Representative Denbo was interested in the concept of "no pay, no play"; if an uninsured motorist is in an accident, regardless of fault, the uninsured motorist insurance would not pay for any damages to the vehicle driven by the uninsured individual. In answer to a question from Representative Mock, Representative M. Smith stated that if an uninsured vehicle hits a home, the homeowner's insurance would pay for the damage. Senator Lanane cautioned that the concept of "no pay, no play" may be harsh; he brought up an "unknowing spouse" defense. Representative Mock stated that he thought the law in Utah might address this concept in a different manner, and Chairperson Wyss asked counsel for the Legislative Services Agency to research this issue.

Mike Chrysler, Director of Personal Lines for the Insurance Institute of Indiana expressed his organization's view that the law appears to be adequate and that any problem is in the enforcement. Senator Howard stated that the renewal of short term insurance seems to be a problem. Senator Ford suggested that the length of registration could be based on proof of insurance and that the registration sticker could be issued just for the length of time the insurance had been paid in advance.

Traffic Control Indicators on Police Cars

Chairperson Wyss explained that traffic control indicators can now be mounted on public safety vehicles to indicate with an arrow, from the rear, whether oncoming traffic should drive to the left or the right of the vehicle. He stated that this is being used in the Ft. Wayne area, and that he would invite the Allen County Sheriff to come and address the Committee on this topic.

Future Meeting Dates

The Committee then discussed the dates for future meetings. The next meeting will be held on August 9, 2000, to study the development of a statewide mechanism to review unexplained or unexpected child fatalities in Indiana. On August 29, 2000, the Committee will hear the issue of the fireworks industry in Indiana, including enforceability of and advisability of reexamining existing laws pertaining to fireworks. On September 13, 2000, the topic of uninsured motorists and uninsured motorist insurance will be discussed. On October 5, 2000, the fourth topic of discussion will be to study the need for traffic control indicators on police cars. All meetings will be held at 10:00 a.m.

There being no further business, the first meeting of the Committee on Public Safety Issues was adjourned at 11:00 a.m.